

STAFF REPORT

Meeting Date: 04/09/04
Agenda Item: 7

To: BEACON Board of Directors
From: Technical Advisor
Date 03/31/04

Subject: Section 227 Project – Oil Piers Reef

REQUIRED ACTION:

- a. Authorize Executive Director to approve a Memorandum of Agreement with the Department of Army for Construction of the Shoreline Erosion Control Demonstration Project.
- b. Direct staff to pursue "Plus Out" or other legislation from Congress or the State Legislature to excuse BEACON from responsibility for the maintenance, repair, replacement, removal, and liability exposure of the Reef.

DISCUSSION:

The Army Corps of Engineers' Section 227 program authorizes the Army and its contractors to design and construct innovative shore protection projects at several sites around the country. The former Mobil Oil Pier site in Ventura County was selected as Southern California's project site. After a competitive selection process, the Army chose a team headed by ASR Ltd of New Zealand to design, fabricate, and install an artificial reef at the site. The purpose of the reef is two-fold: to enhance the width of the beach behind the reef and to create a surfing break across the top of the reef.

The reef will be fabricated from eleven geotextile (woven plastic) containers that will be stretched out across the bottom and pumped full of sand. The wedge-shaped reef will stretch about 400 feet along the beach and will be located offshore in about 18 feet of water. The top of the reef will just about reach the water surface at extreme low tide. ASR gave a PowerPoint presentation of the project at your last Board meeting.

As the local sponsor, BEACON is being asked by the Army to sign a Memorandum of Agreement setting forth project responsibilities for the two entities. Attached is a draft MOA; the final MOA will be handed out at the Board meeting. The MOA stipulates that the Army will be responsible for the design, fabrication, installation, adaptive management, and monitoring of the reef. When installation is complete, the Army will officially turn the reef over to BEACON and BEACON will be responsible for the maintenance, repair, replacement, and removal of the reef, should they prove necessary. The Army currently has the funds to fabricate and install the reef, but the Section 227 program is currently slated to terminate in 2005. Pending WRDA legislation will extend the program beyond 2005 should it be signed into law.



A California Joint Powers Agency

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BEACON BOARD OF DIRECTORS' MEETING ANNOUNCEMENT

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As “owner/operator” of the reef, BEACON may be taking on future financial and legal responsibilities. For example, Divecon (part of ASR’s team) has estimated a cost of \$218,000 for removal of the reef. Divecon didn’t estimate maintenance and repair costs, but they could be equally significant over the lifetime of the project. BEACON may also be held liable should someone injure themselves while surfing on the reef or should the reef contribute to downcoast erosion.

A possible solution to these financial and legal issues could be for BEACON to seek “Plus Out” legislation from Congress. This legislation would authorize the Army to take over financial responsibility for the maintenance, repair, replacement, and removal of the reef. It may also be possible to use “Plus Out” or related state legislation, to relieve BEACON of its potential liability exposure for the reef.

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